

2

# **Notice of Allowability**

**Application No.**

10/511,386

**Examiner**

Stephen F. Gerrity

**Applicant(s)**

DRAGHETTI ET AL.

**Art Unit**

3721

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed 27 October 2006.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date 10/15/04 | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material            | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.   |

## **EXAMINER'S AMENDMENT**

### **Election/Restrictions**

1. Applicant's election of the invention of Group I (claims 1-14) in the reply filed on 27 October 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 15-29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 27 October 2006.
3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### **Priority**

4. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. § 119. The certified copy has been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

### **Information Disclosure Statement**

5. Receipt is acknowledged of an Information Disclosure Statement, filed 15 October 2004, which has been placed of record in the file. An initialed, signed and dated copy of the PTO-1449 form is attached to this Office action.

Art Unit: 3721

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

7. The application has been amended as follows:

**In the title of the invention:**

Amend the title of the invention to read as follows:

METHOD OF PACKING PACKETS OF CIGARETTES USING A SHEET OF  
PACKING MATERIAL FOR IMPLEMENTING SUCH A METHOD

**In the abstract:**

Add the following new abstract of the disclosure attached hereto on a separate sheet of paper.

**In the specification:**

Page 2, lines 16 and 17, delete "as recited in Claim 1".

Page 2, lines 19 and 20, delete "as claimed in Claim 1".

Page 2, lines 22 and 23, delete "as recited by Claim 17".

**In the claims:**

Cancel claims 15-29.

**Explanation for Examiner's Amendment**

8. The title of the invention has been amended so that it is consistent with the elected and allowed claims.

This application does not appear to have been filed with an abstract of the disclosure. Accordingly, the abstract of the disclosure from the PCT application has been reproduced to be the abstract of the disclosure of the present application.

The specification has been amended at page 2 to delete the incorporation by reference to claim numbers 1 and 17.

This application is in condition for allowance except for the presence of claims 15-29 directed to an invention non-elected without traverse. Accordingly, claims 15-29 have been cancelled.

### **REASONS FOR ALLOWANCE**

9. The following is an examiner's statement of reasons for allowance: while it is known in the prior art to wrap groups of articles in a sheet of transparent heat sealable plastic packing material, which sheet may have flaps including an outer flap, with the flaps foldable to enclose the articles; it is not known nor is it obvious from the prior art to have the outer flap portion of the sheet bear graphics and the flaps to be sealed by melting the sheet to define at least one bead seal outwards of the graphics on the outer flap portion of the sheet. Accordingly, the subject matter of claims 1-14 is allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### Conclusion


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references listed on the attached form (PTO-892) are cited to show methods of wrapping and wrapped articles. All are cited as being of interest and to show the state of the prior art.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen F. Gerrity whose telephone number is 571-272-4460. The examiner can normally be reached on Monday - Friday from 5:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

23 December 2006

  
Stephen F. Gerrity  
Primary Examiner

Abstract of the Disclosure

A method of packing packets (2) of cigarettes, in particular an orderly group (1) of packets (2) of cigarettes, wherein the orderly group (1) is packed solely in a sheet (11) of transparent heat-seal plastic packing material, which is folded about the orderly group (1) to form a tubular wrapping having two tubular portions (21) projecting with respect to the orderly group (1), each tubular portion (21) being defined by four flaps (18b, 18c, 18d, 18f) facing in pairs; the flaps (18b, 18c, 18d, 18f) are folded squarely onto the orderly group (1) in a given sequence, so as to at least partly superimpose the flaps (18b, 18c, 18d, 18f); and the superimposed flaps (18b, 18c, 18d, 18f) are then sealed.